

St. Louis City Ordinance 62887

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 03

INTRODUCED BY ALDERMAN GERALDINE OSBORN

An ordinance pertaining to Housing Conservation Districts; repealing Ordinance No. 61540 having as its subject matter the procedures and requirements for establishing Housing Conservation Districts, provisions for fees, regulations, inspections, issuance and revocation of Certificates of Inspection for dwelling units within said Districts, and enacting in lieu thereof a new ordinance pertaining to the same subject matter; and containing a penalty clause, severability clause and an effective date.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance No. 61540, approved July 31, 1989 is hereby repealed.

SECTION TWO. DEFINITIONS

1. "Owner" as hereafter used in this ordinance shall mean: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the City of St. Louis as holding title to the property; or otherwise having control of the property, including the collector of rent or the guardian of the estate of any such person, the executor, personal representative, administrator of the estate of such person, or bankruptcy trustee.
2. "Code Official" as hereafter used in this Ordinance shall mean the Building Commissioner or a duly authorized representative.
3. "Condemnation For Occupancy" An order issued by the Code Official, prohibiting any person from occupying the dwelling unit specified in such order until it has been revoked, and further preventing anyone from being present on such premises except for the purpose of cleaning up and/or making repairs to the premises.
4. "Dwelling Unit" includes single family homes and any single unit in a multi family dwelling which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

SECTION THREE. A HOUSING CONSERVATION DISTRICT SHALL BE ESTABLISHED IN THE FOLLOWING MANNER

1. An application shall be filed with the Code Official of the City of Saint Louis on the form provided by the Code Official requesting a specified area be designated a Housing Conservation District. Such application shall be presented by the Alderman or Aldermen in the ward or wards in which the proposed Housing Conservation District is to be located. Each application shall include a general location map of the proposed Housing Conservation District, a metes and bounds description of said District and all other information requested upon the application form. Housing Conservation Districts shall contain at least five hundred (500) dwelling units in a contiguous area.

2. The Code Official shall within three (3) working days after receipt of the application for establishment of a Housing Conservation District, forward a copy to the Community Development Agency and within ninety days of receipt of the application for the creation of a Housing Conservation District, the Community Development Agency shall cause to be prepared a Housing Conservation District Bill and a Statement of Feasibility for consideration by such Alderman or Aldermen representing the area within the boundaries of the proposed Housing Conservation District. Said Statement of Feasibility shall include the following:

A. A general location map and description by metes and bounds of the boundaries of the proposed Housing Conservation District.

B. An inventory of the structures within the proposed Housing Conservation District boundaries stating the number of structures, the number of single family dwellings, and the number of multiple family dwellings.

C. A statement of the general condition of the structures within the proposed Housing Conservation District stated in general terms and percentages.

D. An estimate of the number of housing transactions, including sales and rental of units to new tenants, likely to occur within the District within approximately one (1) year of the date on which the District is established, the estimated staffing/budgetary needs to properly administer the provisions of this ordinance within the boundaries of the proposed district, and any other comments or information which the Community Development Agency deems appropriate for consideration by the Aldermen in determining whether to establish the proposed district. In preparing such statement, the Community Development Agency may utilize any current document or available services of

the Community Development Agency the United States Bureau of the Census, the Land Records Management System (LRMS), or City recognized data collection and publication bureaus or companies as acceptable supporting statement documentation.

3. No bill which would create a Housing Conservation District, or modify the boundaries thereof, shall be introduced in the Board of Aldermen unless such bill is introduced by the Alderman or Aldermen of the Ward or Wards within which the proposed Housing Conservation District is, or is proposed to be, located. Prior to a vote by the Board of Aldermen on a bill which would create a Housing Conservation District, or modify the boundaries of such District, the standing committee to which the bill is assigned must hold a public hearing. The area which would be included in a proposed Housing Conservation District shall be posted with notice of the time, date and place of the public hearing, in at least two places on each block within the proposed district, no less than seven (7) calendar days prior to the public hearing. Any area which would be affected by a proposed change in the boundaries of an existing Housing Conservation District shall be posted with notice of the time, date and place of the public hearing, in at least two places on each block which would be affected by such boundary change, no less than seven (7) calendar days prior to the public hearing.

SECTION FOUR. CODE OFFICIAL TO ENFORCE ORDINANCE

Upon passage of a Housing Conservation District Bill by the Board of Aldermen and approval by the Mayor, the area described with the boundaries contained in the Bill shall be declared and established a Housing Conservation District, and the Clerk of the Board of Aldermen shall forthwith file a copy of same with the Recorder of Deeds and with the Code Official. The Code Official shall maintain a plat of the Housing Conservation Districts and implement the requirements of this Ordinance.

SECTION FIVE. OCCUPANCY OCCURRING AFTER THE EFFECTIVE DATE HEREOF IS UNLAWFUL WITHOUT CERTIFICATE OF INSPECTION FIRST BEING OBTAINED THEREFOR

1. It shall be unlawful for any person, firm or corporation to occupy or permit the occupancy for any purpose or collect the rent of any occupied dwelling unit within a Housing Conservation District in which a complete change of occupancy has occurred without first securing a Certificate of Inspection for said dwelling unit.

2. It shall be unlawful for any person, firm or corporation to take possession as a result of conveyance as it is reflected in the Office of the Recorder of Deeds, of an occupied residential unit(s) without first securing a Certificate of Inspection for said unit(s).

3. Upon determining that a dwelling unit located within a Housing Conservation District has undergone a complete change of occupancy or a sale of the property as reflected in the Recorder of Deeds Office without first obtaining a Certificate of Inspection, the Code Official shall serve notice on the owner of such dwelling unit, by either first class mail or personal service that a Certificate of Inspection must be obtained within 30 days of notification or unit will be condemned for occupancy and must be vacated.

4. It is the responsibility of the owner or grantee to secure a Certificate of Inspection. It shall be the responsibility of the owner or the owner's agent and/or the tenant to provide access to all applicable areas subject to inspections as provided in this ordinance. It shall be unlawful for the owner or owner's agent to require a prospective occupant to apply or pay for any fee contained herein for a Certificate of Inspection.

5. If there is a change in occupancy or ownership of a dwelling unit(s) within twelve (12) months of the date of issuance of a Certificate of Inspection for that unit(s), a new Certificate of Inspection shall not be required.

SECTION SIX. REGULATIONS FOR CERTIFICATE OF INSPECTION

1. If the unit is available for inspection by the City, the City shall inspect the unit within (7) working days from date of application for Certificate of Inspection unless owner approves a longer time. Failure of City to make inspection within said seven days does not waive requirements of Certificate of Inspection.

2. The Certificate of Inspection will be issued for the proposed or actual dwelling unit and premises that comply with the exterior provisions of the Existing Structures Code, Zoning Ordinance of the City of St. Louis and the requirements of Exhibit "A" of this Ordinance which is attached hereto and made a part hereof.

3. The Certificate of Inspection may be issued for the proposed or actual dwelling unit(s) and premises that comply with the Zoning Ordinance of the City of St. Louis and the requirements of Exhibit A and are in substantial but not complete compliance with the exterior provisions of the Existing Structures

Code as determined by the Code Official, but said building must meet total compliance within thirty (30) calendar days after the date of issuance. When total compliance is not practical or feasible within the specified time period, extensions to the aforementioned compliance period may be granted at the discretion of the Code Official.

4. No Certificate of Inspection can be issued when the dwelling unit(s), building or the premises is in such condition as to warrant condemnation or when there are found to be conditions existing that may imminently and adversely affect the health, safety and welfare of the actual or proposed occupants.

5. When long term rehabilitation work is in progress with required building permits being issued, a portion of that building may be occupied if that portion meets requirements of Exhibit "A" and the exterior portion of the building is in compliance with the Existing Structures Code. That portion of the building will be inspected and a Certificate of Inspection with an occupancy load will be issued for that area only. Additional areas will be required to be inspected after rehabilitation work is completed and before those areas become occupied. A new application must be filed for these additional areas.

SECTION SEVEN. RE INSPECTION OF PREMISES FOR WHICH VALID CERTIFICATE OF INSPECTION EXISTS

1. After the issuance of the Certificate of Inspection for a dwelling unit, or multiple dwelling units in the same building, the Code Official may require re inspection, pursuant to the provisions of this Section. The Code Official may require re inspection where he has reasonable cause to believe that the dwelling unit(s) to be re inspected, and/or the building in which the unit or units are located, no longer comply with the standards for issuance of a Certificate of Inspection. Reasonable cause to conduct a reinspection shall include, but not be limited to: A.)damage to the building in which the dwelling unit to be reinspected is located by wind, fire, earthquake, other Act of God, or by man-made causes that jeopardize the health and safety of the occupants; B.)a complaint made by a resident of the dwelling unit to be reinspected; C.)or a documented complaint of the existence of conditions not in compliance with standards for issuance of a Certificate of Inspection from someone other than the resident, including, but not limited to, police officers and inspectors employed by the Division of Building and Inspection or other City agencies. No reasonable cause shall be necessary to conduct a reinspection where an occupant of the dwelling unit to be reinspected voluntarily permits the reinspection to be conducted.

2. If unit/s and/or common areas are not accessible for reinspection, a request for re inspection shall be made in writing to the owner, owner's agent, and/or tenant designating the date and time on which the re inspection shall be made, giving at least seven (7) days notice of the date on which the reinspection is to occur.

3. If the Code Official determines, pursuant to subsection 1 of this section, that a dwelling unit(s) should be reinspected, the owner, owner's agent and/or tenant shall be responsible for providing access to the unit(s) and common areas for which a Certificate of Inspection has previously been issued. If entry for re inspection of a dwelling unit(s) is denied by the owner, owner's agent, and/or tenant, the Code Official, after an administrative hearing as provided for in this section, may revoke the Certificate of Inspection for said dwelling unit(s), condemn the unit(s) for occupancy, and require vacation thereof within forty eight (48) hours of the conclusion of said hearing. Notice of such hearing shall be made to both the owner and occupant of the unit(s) in question by registered mail, and shall state the time, date and place of the hearing. The Alderman in whose ward the property is located shall be notified of the hearing. The administrative hearing shall be conducted by a Hearing Board consisting of a Building Inspector Supervisor, and two designees of the Code Official. Proceedings of said Board shall be recorded. The Board will consider all evidence presented by any interested party, including, but not limited to, the building inspector attempting to make a re inspection, other personnel of the Division of Building and Inspection, the owner, the owner's agent, and tenants. Failure of the owner to reply or appear at the hearing will neither prevent the hearing from going forward nor prohibit the Board from issuing a decision. The Board shall render its decision on the basis of all of the evidence presented before it and is authorized to revoke the Certificate of Inspection for the unit(s) in question, order condemnation for occupancy of the unit(s), and require the unit(s) to be vacated within forty eight hours of the Board's ruling.

4. Should the Code Official determine upon reinspection that a dwelling unit no longer complies with the standards for issuance of a Certificate of Inspection, the Code Official shall give the owner notice of the deficiencies found by the inspection. This notice shall specify that such deficiencies must be corrected within thirty (30) days of the date of notice. It shall further state that if the deficiencies are not corrected within thirty (30) days of the date of the notice that the Code Official may revoke the Certificate of Inspection for such unit, condemn it for occupancy, and order the unit vacated. The Code Official shall have authority to grant extensions for completion of work necessary to eliminate deficiencies observed during a reinspection where it is not feasible or possible to complete such work within thirty days of the date on which the

notice was issued. Notwithstanding the foregoing, if the Code Official determines that a dwelling unit, or the building in which such unit is located, is condemnable pursuant to the provisions of this ordinance or any other ordinances, the Code Official shall have authority to condemn such unit or building pursuant to the provisions of this code, without regard to the time limits specified above.

SECTION EIGHT. UTILITIES TO PROVIDE INFORMATION

Upon change of user of residential electric or gas service within any Housing Conservation District, Union Electric company and/or Laclede Gas Company shall notify the Code Official of the City of Saint Louis in writing within seven (7) business days of said change, indicating the address and apartment number, the name(s) of electric or gas user(s) per service who has terminated said service and the names of electric or gas user(s) per service and address and apartment number in whose name said service is connected and billed. It shall be unlawful for the owner of a dwelling unit within a Housing Conservation District not to inform any prospective purchaser or grantee of the requirement to obtain Certificates of Inspection before occupancy as provided in this Ordinance.

SECTION NINE. EXCEPTIONS

The provisions of this Ordinance pertaining to the issuance of a Certificate of Inspection shall not apply to changes in building ownership nor to tenancy changes in individual dwelling units in lawfully licensed residential and/or non residential buildings, nor to lawful occupancies existing at the time of the effective date of this Ordinance.

In addition, the provisions of this Ordinance shall not apply to a change of ownership of any occupied residential and/or non residential building which the buyer either thirty (30) calendar days prior to purchase or within seven (7) calendar days after purchase delivers a notarized statement to the Code Official that the buyer will cause said building to be demolished within six (6) months after purchase. Failure to provide the notarized statement to the code official within this time period will require the owner to comply with the provisions of this ordinance. The provisions of this ordinance shall not apply to a change of ownership of one or two family dwellings as a result of inheritance or a transfer of title to a first degree relative.

SECTION TEN. OTHER VIOLATIONS

It shall be unlawful for any applicant for a Certificate of Inspection to make a false statement in the application. It shall be the responsibility of the owner to inform the prospective occupants of the maximum occupancy load and post a copy of the Certificate of Inspection within the unit. Notwithstanding the provisions of any other ordinance it shall be unlawful to occupy or to allow occupancy of a dwelling unit beyond that number legally allowed in accordance with this Ordinance. It shall be the responsibility of the owner or grantor of any property located within a Housing Conservation District to inform any prospective lessee or prospective grantee of a building that said building is within a Housing Conservation District, of the posted occupancy load of all the units within that building and of any outstanding violations of this Ordinance.

SECTION ELEVEN. FEES FOR A CERTIFICATE OF INSPECTION

A. Fees for a Certificate of Inspection prior to occupancy:

1. General inspection of exterior of building and all common areas and premises plus one dwelling unit is \$40.00. Each additional dwelling unit included in the General Inspection, if inspection is performed within the same building and on a common date is \$10.00 per each additional dwelling unit.
2. As noted above, general inspection of exterior of building and all common areas and premises plus one dwelling unit is \$40.00. An owner may apply for Certificates of Inspection for several dwelling units located in different buildings. The fee for each additional dwelling, up to three (3) units regardless of location will be \$10.00 per unit above and beyond the initial fee of \$40.00 provided, however, that to qualify for this reduced fee, the owner must apply for all of the Certificates of Inspection at the same time, all of the dwelling units must be available for inspection on a common date and all of the buildings in which the dwelling units are located must have the same owner according to the records in the office of the Recorder of Deeds.

B. The fee for a Certificate of Inspection for a unit which is unlawfully occupied is \$80.00 per unit.

C. Major rehabilitation of dwelling units pursuant to interior floor plans for each level, and site plans approved by the Building Division as well as newly constructed units having been certified as completed in accordance with the codes and ordinances of the City of Saint Louis will be issued original Certificates of Inspection as described herein at no charge after construction completion and Building Code compliance certification.

SECTION TWELVE. PROMULGATION OF RULES AND REGULATIONS

The Code Official may adopt and promulgate such rules, policies and procedures as are necessary for the administration of this Ordinance. This Ordinance runs solely to the benefit of the City of Saint Louis and not to any owner, lessee, tenant or occupant. The City makes no warranties as a result of these inspections and certificates, and the City and its employees and officials are not liable for errors or omissions in performing the duties enumerated in this ordinance. Any person aggrieved by the decision of the Code Official relative to this ordinance may file an appeal with the appropriate board(s) in the same manner and time period as provided in the Building Code and/or Zoning Ordinance of the City of Saint Louis.

SECTION THIRTEEN. CONDEMNATION FOR OCCUPANCY

1. Condemnation for failure to obtain Certificate of Inspection prior to occupancy. The Code Official may condemn for occupancy any building or portion thereof when a Certificate of Inspection has not been obtained thirty (30) days after notification by the Code Official.

The Building or portion thereof shall remain vacated until such time that the Code Official has issued a Certificate of Inspection.

The Condemnation will be lifted after a Certificate of Inspection has been issued for the Building or any portion thereof that was previously condemned.

2. Condemnation for Conditions: When the Code Official shall find any building or portion thereof to be in an extreme unsanitary or unsafe condition or any condition that constitutes an immediate and serious fire hazard and thus endangers the lives of any persons whether owners or occupants the Code Official shall condemn for occupancy under the provisions of the City Condemnation Ordinances.

Such notice shall clearly state the conditions causing the unsafe conditions thereof and shall command the immediate vacation of the building or portions thereof.

The building shall be placarded and the building or portion thereof shall remain vacated until a Certificate of Occupancy has been issued for the condemned portions(s) by the Code Official.

3. It shall be the duty of the Police Department to cause removal of any person from such building or portion thereof, so condemned, and to prevent any person from entering same.

SECTION FOURTEEN. PENALTIES

Any person, firm or corporation, who shall violate any provision of this ordinance shall upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both. Every day that a violation exists shall be deemed a separate offense.

SECTION FIFTEEN.

All Housing Conservation Districts which have been established pursuant to the provisions of earlier ordinances and which are in existence on the effective date of this ordinance shall remain in existence unless changed by subsequent ordinance. These previously existing Housing Conservation Districts shall, upon the effective date of this ordinance and thereafter, be governed by and subject to the provisions of this ordinance with regard to all future inspections, issuances and revocations of Certificates of Inspection, condemnations for occupancy, fees, penalties and other procedures and requirements. All actions taken prior to the effective date of this ordinance, pursuant to the provisions of previous ordinances pertaining to Housing Conservation Districts, including but not limited to, inspections, issuances or revocations of Certificates of Inspections, condemnations for occupancy, impositions and collections of fees and penalties, shall remain valid and in full force and effect unless and until they are specifically rescinded or superseded by actions taken pursuant to this ordinance.

SECTION SIXTEEN. SEVERABILITY CLAUSE

The sections of this ordinance shall be severable. In the event any section of this ordinance is found by a Court of competent jurisdiction to be unconstitutional, the remaining sections of this ordinance are valid, unless the Court finds the valid sections of this ordinance are so essentially and inseparably connected with, and so dependent upon the void section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void ones; or unless the Court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION SEVENTEEN. Provisions of this ordinance shall take effect September 1, 1993.

EXHIBIT A
(Interior Only)

1. SANITATION

General unsanitary conditions shall not be allowed within Public Areas, Dwelling Unit or Basement. Trash, debris, rodent and insect infestation shall be eliminated.

2. WALLS & CEILINGS

Plaster or tile shall not be missing, loose or broken.

Required fire resistance assemblies shall be maintained.

Wall coverings shall not be loose, water damaged or in bad repair.

3. ENTRY DOORS

Lock on entry door(s) shall be in good working order. Door(s) shall latch properly for privacy. If entry door is a fire door, it shall have an operable self closer. Common area entrance/exit door(s) where a door frame exists shall not be equipped with double key or clasp type locking mechanism.

4. STRUCTURAL

Floors/joists shall not be missing, rotten, fire damaged, spalled, rusted or broken. Floor covering shall not be torn or broken. There shall be no unsafe structural conditions.

5. SAFETY

Sufficient exits shall be provided. Stair(s) shall not be missing, rotten, fire damaged, spalled, rusted or broken. Handrail(s) or guardrail(s) shall not be missing, rotten or broken. Operable entrance/exit doors shall be provided and maintained. Excessive storage of any material shall not be permitted. Operable smoke detectors shall be provided as required by Ordinance.

6. PLUMBING FIXTURES

No fixtures shall be missing, inoperable or defective. No pipe or fixture shall be leaking or improperly connected. Hot water heater shall be required. Hot water heater shall be operable, and properly vented. Hot water heater shall have a temperature/pressure relief valve.

7. ELECTRICAL EQUIPMENT

Cover plates shall not be missing or broken. Switches or outlets shall be operable, and of sufficient number.

Fuses/Circuit breakers shall be properly sized. Lighting fixtures shall not be defective. Excessive, defective or hazardous extension cords shall not be allowed. Loose, hanging, frayed, bare wires or open splices shall not be permitted. Defective or hazardous electrical services shall be prohibited.

8. MECHANICAL EQUIPMENT

Heating unit shall be operable. Furnace shall be properly vented. Space heaters shall be properly vented (when applicable).

9. SPACE REQUIREMENTS

Occupancy load shall be limited by the most stringent of:

- a. Minimum habitable gross floor area of 150 square feet for first occupant, plus 100 square feet for each additional occupant; or
- b. Sleeping room area of a minimum of 70 square feet for first occupant, 50 square feet for each additional occupant; and The master bedroom will be limited to a maximum of two (2) occupants. The master bedroom will be construed as the largest bedroom within said unit. After an occupancy load has been established and unit is legally occupied, said unit will still be considered to be legally occupied if an infant under the age of thirty (30) months is found to be added to the legally occupied unit.
- c. Minimum occupancy area requirements for living room, dining room and kitchen as reflected in the applicable Sections of the current existing structures code of the City of St. Louis.

MINIMUM OCCUPANCY IN SQUARE FEET

SPACE	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE
LIVING ROOM	NO REQUIREMENTS	120	150

DINING ROOM NO REQUIREMENTS	80	100
KITCHEN	50	60

d. Basement occupancies shall not be permitted unless they meet the following requirements:

1. Floors and walls are weather tight so as to prevent entry of moisture.
2. Minimum ceiling heights are in accordance with applicable sections of this ordinance.
3. Means of egress and emergency escape requirements as reflected in the applicable sections of the current building code of the City of St. Louis.

e. **MINIMUM CEILING HEIGHT:** Habitable spaces shall have a clear ceiling height over the minimum area required by this code at not less than 7 1/3 feet (2235 mm) except that in attics or top half stories the ceiling height shall be not less than 7 feet (2134 mm) over not less than one third of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of 5 feet (1524 mm) or more shall be included. Exception: Hallways, corridors, bathrooms, toilet rooms, and habitable basements used as recreation rooms shall have a ceiling height of not less than seven feet (2134 mm) to the lowest projection from the ceiling.

f. Every bedroom shall be equipped with an operable window which complies with the current building codes of the City of Saint Louis.

g. Toilet rooms and bathrooms shall be arranged and designed to provide privacy.

h. Every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

i. The required dining room shall be located on the same level as the required kitchen.

j. Kitchens, nonhabitable spaces, and public spaces shall not be used for sleeping purposes.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
04/30/93	04/30/93	PS	05/20/93	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/21/93			05/28/93	06/04/93
ORDINANCE	VETOED		VETO OVR	
62287				